



## **Council Communication**

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** EDGAR MEDINA, P.E. ASSISTANT TOWN ENGINEER 480-503-6754

**THROUGH:** MICHAEL GILLESPIE, P.E., TOWN ENGINEER  
GREG TILQUE, DEVELOPMENT SERVICES DIRECTOR  
MARC SKOCYPEC, DEPUTY TOWN MANAGER

**MEETING DATE:** OCTOBER 4, 2012

**SUBJECT:** APPROVAL OF AN IRRIGATION FACILITIES EASEMENT FOR ROOSEVELT WATER CONSERVATION DISTRICT WITHIN TOWN OF GILBERT PARCEL 304-26-044.

**STRATEGIC INITIATIVE:** Infrastructure

This project supports Gilbert's strategic initiative for Infrastructure as it provides access to property in order to operate and maintain existing irrigation facilities

**LEGAL REVIEW**

☒ Complete

☐ N/A

**FINANCIAL REVIEW**

☐ Complete

☒ N/A

### **RECOMMENDED MOTION**

**A MOTION TO APPROVE AN IRRIGATION FACILITIES EASEMENT FOR ROOSEVELT CONSERVATION WATER DISTRICT (RWCD) WITHIN TOWN OF GILBERT PARCEL 304-26-044 AND AUTHORIZE THE MAYOR TO EXECUTE THE REQUIRED DOCUMENTS.**

## **BACKGROUND/DISCUSSION**

In 2003, Arizona Department of Transportation (ADOT) and the Town of Gilbert (Gilbert) finalized and approved improvement plans for the construction of the Greenfield Road, Ray Road and UPRR underpasses as the relate to the State Route 202 construction project. Specific to this communication, those plans included improvements plans for the Ray Road realignment from Santan Village Parkway to approximately 164<sup>th</sup> Street.

As part of the Ray Road realignment, the need to relocate an RWCD irrigation lateral and provide an area for an associated pump station was identified, designed and constructed accordingly. As the project was completed, the excess property from the Project was dedicated to Gilbert by ADOT. It appears there was an oversight in reserving property rights for the RWCD pump station and irrigation facilities to RWCD. In order for RWCD to maintain the pump house and irrigation facilities, an easement is needed for RWCD.

Therefore, this council item will provide the required easement dedication over an existing pump station and irrigation facility that is owned, operated and maintained by RWCD on a Gilbert owned parcel.

This easement was reviewed for form by Town Attorney Kelly Schwab.

## **FINANCIAL IMPACT**

There is no financial impact anticipated with the subject easement dedication.

## **STAFF RECOMMENDATION**

The proposed irrigation facilities easement is located within Gilbert parcel 304-26-044. The Engineering Department has reviewed the easement & legal description and recommends approval.

Respectfully submitted,



Edgar Medina P.E.  
Assistant Town Engineer - Capital Projects  
Engineering Division  
Town of Gilbert  
[edgar.medina@gilbertaz.gov](mailto:edgar.medina@gilbertaz.gov)

Attachments and Enclosures:

Easement and Legal Description

**WHEN RECORDED RETURN TO:**

Roosevelt Water Conservation District  
P.O. Box 100  
15400 S. Higley Road  
Higley, AZ 85236

**ROOSEVELT WATER CONSERVATION DISTRICT**

**IRRIGATION FACILITIES EASEMENT**

**(S21 T1S R6E G&SRB&M — RWCD Ray Road Pump Station)**

**TOWN OF GILBERT**, a municipal corporation ("Grantor"), for and in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an irrigation district and municipal corporation organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of, construction, maintenance, operation, repair, reconstruction, replacement, removal, access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches, pumps, electrical power, walls, gates and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as have been constructed and as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress to and from Grantor's roadway right of way and through and within the Easement Property as Grantee may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the Southeast  $\frac{1}{4}$  of Section 21, Township 1 South, Range 6 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto. Grantor represents and warrants that it is the owner of fee title to the lands for which easement rights are granted hereby.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee ceases use of the easement for the purposes set forth herein for a period of one year, Grantee shall record a document to formally abandon the Easement and Grantee's rights hereunder to the property shall cease and the property shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns and lessees.

**Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.**

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

GRANTOR:  
THE TOWN OF GILBERT

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ARIZONA       )  
                                          ) ss.  
COUNTY OF MARICOPA )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, the foregoing instrument was acknowledged before me by \_\_\_\_\_, the \_\_\_\_\_ of the TOWN OF GILBERT, and such authorized representative(s) acknowledged that this document was executed on behalf of the corporation for the purposes therein contained.

My Commission Expires:

\_\_\_\_\_  
Notary Public

GRANTEE:  
ROOSEVELT WATER CONSERVATION DISTRICT

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ARIZONA       )  
                                          ) ss.  
COUNTY OF MARICOPA )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, the foregoing instrument was acknowledged before me by \_\_\_\_\_, the \_\_\_\_\_ of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

My Commission Expires:

\_\_\_\_\_  
Notary Public

**Exhibit A**  
**to**  
**Irrigation System Facilities Easement Agreement**

**DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY**

**RWCD Irrigation System Facilities Easement**  
**Ray Road Pump Station**

That portion of the Southeast quarter (SE¼) of Section 21, Township 1 South Range 6 East, Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at a MCDOT brass cap in hand hold marking the Southeast corner of said Section 21, being North 89°40'21" East 2637.73 feet from a MCDOT brass cap in hand hole marking the South quarter corner of Section 21;

thence along the South line of said Section 21, South 89°40'21" West 339.46 feet to the Southwesterly line of the Union Pacific Railroad (UPRR);

thence along the Southwesterly line, North 53°36'49" West 217.46 feet to the POINT OF BEGINNING;

thence South 82°09'51" West 155.89 feet to the Northwesternly right of way line of said State Route 202L;

thence along said Northwesternly right of way line, North 7°50'09" West 151.71 feet to said Southwestly line;

thence along said Southwesterly line, South 53°36'49" East 217.52 feet to the POINT OF BEGINNING.

11,825 square feet, more or less.